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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,051	07/31/2000	Brenda Gates Spielman	95-443	5185

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EXAMINER	
CHOUDHARY, ANITA	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/629,051	SPIELMAN ET AL.	
	Examiner	Art Unit	
	Anita Choudhary	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 July 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed January 16, 2004 have been fully considered but they are not persuasive.

Applicant argues that Lazaridis does not suggest accessing a sub-directory per a second open network protocol. However Lazaridis shows TCP/IP for exchange of information through out the networking process (col. 5 lines 64- col. 6 line 13).

Applicant also argues that Lazaridis does not show or suggest the claimed limitation for "a plurality of notification delivery process for delivery of the selected portion of the notification information to the notification device according to a corresponding protocol." In response, Applicant attention is brought to col. 6 lines 20-37 of Lazaridis, wherein it is pointed out that multiple delivery processes corresponding to notification devices and protocols for delivery of portion of notification message are possible (e.g. fax, phone, video, etc.)

Applicant argues for claim 11, 49, 58, and 63 that Lazaridis does not show retrieving notification message from message store. In response, Applicant attention is brought to col. 7 lines 43-52, wherein redirection software proactively detects a message and retrieves it in to the redirection software for processing.

Applicant's arguments with respect to Bezaire have been considered but are moot in view of the new ground(s) of rejection.

Drawings

This application lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. If the application is allowed, applicant will be required

to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 20, 30, and 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "group of duplicate processes" is not described or defined in the specification. Examiner interprets this limitation to be a group of instances or instantiations of a process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. (US 6,463,464) in view of Latis et al. (US 6,393,483).

In referring to claim 1, 20, 30, and 39, Lazaridis shows a system for pushing messages from a host system to a mobile device via redirector software and wireless gateway. A message can be sent from a network computer and received by a server (fig. 2) to be redirected to a destination address of a mobile device. The message is repackaged to include a redirected destination address corresponding to mobile device. Lazaridis shows:

- Obtaining message sent from source (26, 28) using a first network protocol (e.g. e-mail), the message specifying a recipient and information (message C, col. 5 lines 51-55, col. 7 lines 38-52).
- Accessing redirector program using second protocol for information specifying subscriber notification preference (trigger points) for specified notification recipient (col. 8 lines 6-38).
- Generating a notification delivery message (message B) based on subscriber preferences that specify a destination address of a notification device (mobile computer 24) for the notification recipient and at least a corresponding selected portion of the notification information (col. 8 lines 63- col. 9 line5).
- Outputting using a third protocol a notification delivery message (E-mailing repackaged message B) to a selected notification delivery process (wireless gateway 20) for delivery of the notification information to the notification device (mobile computer 24) according to device protocol (col. 13 lines 5-25).

Although Lazaridis shows substantial features of the claimed invention, Lazaridis does not explicitly show *selecting process from a group of duplicate processes for sending notification information*, nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Latis.

In an analogous art, Latis shows a group of duplicate instances (ports) for running a process where in one is selected to execute the instance of the process (fig. 2 P1-P4, col. 5 lines 42-55).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Lazardis, to employ the features shown by Latis in order to provide fault tolerance and load balancing for communication process (see Latis col. 3 lines 54-col. 4 line 5).

In referring to claim 2, 21, 31, and 40, Lazaridis shows notification message from SMTP based mailbox configured for receiving e-mail messages as notification message from notification subscriber (col. 10 lines 61-65).

In referring to claim 3, 22, 33, and 41, Lazaridis shows directory according to LDAP as second protocol for subscriber information (col. 8 lines 6-38).

In referring to claim 4, 23, 32 and 42, Lazaridis shows IMAP as first protocol for receiving notification message (col. 10 line 61- col. 11 line 13).

In referring to claim 5, 8, 24, 27, 34, 43, and 46, Lazaridis shows sending notification delivery message (message B) according to SMTP protocol as the third network protocol (col. 10 lines 61-65).

In referring to claim 6, 9, 25, 28, 44, and 47, Latis shows, selecting step for selecting one process from a group of processes by accessing a table configured for storing addresses assigned to process (fig. 5b. 5c).

In referring to claim 7, 10, 26, 29, 45, and 48, Latis shows selecting one process based on specified at least one notification recipient (fig. 7b col. 10 lines 61- col. 11 line 7).

In referring to claim 35, Lazaridis shows a SMTP based mailbox for receiving notification messages from source, wherein the notification source is configured for periodically obtaining the notification message according to IMAP (col. 7 lines 38-52, col. 9 lines 41-58).

In referring to claim 36, Bezaire shows a secondary SMTP-based mailbox (at wireless gateway server) for receiving notification delivery messages for the respective notification delivery processes (wireless service provider 22), each delivery process accessing its corresponding SMTP-based mailbox for the corresponding notification delivery message (col. 3 lines 18-25).

In referring to claim 37 and 38, Lazaridis shows multiple host system for obtaining multiple notification messages having been sent from a notification source (26, 28) using a first network protocol and in response outputting the notification message to at least one of the notification delivery process (wireless gateway) based on subscriber notification preferences (triggers) information retrieved from redirector program (col. 7 lines 38-52, col. 8 line 63- col. 9 line 5).

A second primary mailbox (40) at another host system for receiving the second notification message from notification source, the second notification process configured for periodically obtaining the notification message according to IMAP protocol (col. 7 lines 38-52, col. 9 lines 41-58).

Claims 11-19 and 49-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis et al. (US 6,463,464) in view of Bezaire et al. (US 5,758,088).

In referring to claim 11, 49, 58, and 63, in addition to claim 1 above, Lazaridis shows:

- Initiating notification process (redirection process at host 10), each notification process configured to retrieving according to a network protocol (e-mail) a notification message from primary message store (fig. 3, 40), each notification message specifying at least one notification recipient and corresponding notification information (standard e-mail message with destination address and e-mail data), each notification process configured for accessing a directory (col. 8 lines 6-38) according to protocol for notification preferences (trigger events), and generating a notification delivery message (message B) specifying a destination address or the notification device (col. 8 line 63- col. 9 line 5).
- Second providing notification source with destination address information for providing the notification message to the primary message store (sender and destination address in an incoming e-mail message C).

Although Lazaridis shows substantial features of the claimed invention, Lazaridis does not particularly point out initiating notification delivery processes configured for retrieving using a third protocol and secondary message store.

In an analogous art, Bezaire shows a system for forwarding messages to mobile device via a message server and gateway. A user registers its device at the wireless service provider allowing the wireless service provider to reach the user at the device. Bezaire discloses:

- Initiating notification delivery processes (wireless service providers 22), each configured for retrieving using a third protocol (e-mail) a corresponding received notification delivery message from a corresponding secondary message store (mail server 18) and supplying a corresponding notification to device according to protocol based on received notification delivery message (col. 4 lines 20-39).

- First providing each notification process with destination address information for providing the notification delivery message to the secondary message store (18) (col. 3 lines 52- col. 4 line 19).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Lazaridis in order to employ the features shown by Bezaire in order for dissimilar wireless and mobile devices to receive messages that match the devices capabilities (see col. 1 lines 34-52).

In referring to claim 12, 50, 59, and 64, Lazaridis shows step for supplying each notification process with a retrieval address for retrieving notification messages from primary message store (col. 9 lines 41-58).

In referring to claim 13, 51, 60, and 65, Bezaire shows the second initiating step including supplying each notification process with a retrieval address for retrieving notification messages from secondary message store (18) (cool. 3 lines 18-25).

In referring to claim 14-17, 52-55, 66, and 67, Lazaridis shows a server providing a third and fourth instance of the notification process (redirection process) with each subsequent e-mail message sent, therefore providing the notification source and destination address in the e-mail message, to be stored in primary message store (40) and accessible by another instance of the notification process (redirection process) (col. 9 lines 41-58).

In referring to claim 18, 56, 61, and 68, Lazaridis shows first and third open protocol each being IMAP protocol (col. 10 line 61- col. 11 line 14).

In referring to claim 19, 57, 62, and 69, Lazaridis shows directory according to LDAP as second protocol for subscriber information (col. 8 lines 6-38).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
April 2, 2004

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